

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6257

BILL NUMBER: SB 63

NOTE PREPARED: Jan 21, 2014

BILL AMENDED: Jan 15, 2014

SUBJECT: Nonsupport of a Child.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill changes the penalty enhancement for nonsupport of a child from a Level 6 felony to a Level 5 felony if the person has a previous conviction for the offense.

It changes the procedure for a court to lower the penalty for a person convicted of nonsupport of a child.

(The introduced version of this bill was prepared by the Criminal Law and Sentencing Policy Study Committee.)

Effective Date: July 1, 2014.

Explanation of State Expenditures: (Revised) The bill potentially decreases costs to incarcerate offenders who commit nonsupport of a child. A change in the conditions triggering the enhanced penalty is estimated to result in five fewer full-year-equivalent stays in a DOC facility during the first two years with a reduction in expenditures of \$16,334 to \$63,875. Periods of incarceration and costs may begin to increase in later years.

Under current law, the crime is a Level 6 felony, and it may be enhanced to a Level 5 felony if the unpaid support is at least \$15,000. Under the bill, the condition for the enhanced penalty is repealed, and instead an offender with a prior conviction for the same crime would be a Level 5 felony.

This estimate is based on the assumption that offenders who were Level 5 offenders, but did not have prior convictions would become Level 6 offenders, and that Level 6 offenders who did have prior convictions would become Level 5 offenders. [There are no data available in the DOC admissions records to indicate

what the prior crime was, so there may be some offenders who would not receive the alternate penalty.]

	2015	2016	Total
Level 5 Offenders without priors	-10	-20	-30
Level 6 Offenders with priors	6	19	25
Difference	-4	-1	-5

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: County sheriffs.

Information Sources: DOC Offender Information System.

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